

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 61, "Water Quality Standards," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 11, 2009, as **ARC 7624B**. Six public hearings were held with notice of the hearings sent to various individuals, organizations, associations and interest groups, and to statewide news network organizations. Comments were received from approximately 252 persons and organizations. A responsiveness summary addressing the comments can be obtained from the Department of Natural Resources.

At the July 21, 2009, Environmental Protection Commission meeting, the Commission tabled action on 32 stream segments proposed for Class A2 and approved the remainder of the streams listed in the Notice of Intended Action (see **ARC 8039B**, IAB 8/12/09). At the September 15, 2009, Environmental Protection Commission meeting, the Commission reconsidered the 32 stream segments and adopted the following stream classifications with some amendments:

Class A2 Stream Segments

1. Ballard Creek (Story Co.) – adopted as proposed in the NOIA
2. Black Hawk Creek (Black Hawk/Grundy Co.) – adopted as proposed in the NOIA
3. Blue Creek (Benton/Linn Co.) – changed from Class A2 to Class A1 for the pool downstream of site 160-2
4. Brewers Creek (Hamilton Co.) – adopted as proposed in the NOIA
5. Deep Creek (Plymouth Co.) – adopted as proposed in the NOIA
6. Fourmile Creek (Union Co.) – adopted as proposed in the NOIA
7. Hawkeye Creek (Des Moines Co.) – changed from Class A2 to Class A1 from mouth to site 652-2
8. Honey Creek (Delaware Co.) – changed from Class A2 to Class A1 from the mouth to the confluence with the unnamed creek upstream of site 385-2a
9. Indian Creek (Audobon/Shelby/Cass Co.) – adopted as proposed in the NOIA
10. Indian Creek (Sac Co.) – adopted as proposed in the NOIA
11. Indian Creek (Sioux Co.) – adopted as proposed in the NOIA
12. Little Cedar River (Mitchell Co.) – changed from Class A2 to Class A1 for the entire assessed reach
13. Little Maquoketa River (Dubuque Co.) – adopted as proposed in the NOIA
14. Little Walnut Creek (Appanoose Co.) – changed from Class A2 to Class A1 for the pooled area just downstream of site 700-1
15. Mitchell Creek (Jefferson Co.) – changed from Class A2 to Class A1 for the small pool at site 821-2
16. Mosquito Creek (Pottawattamie/Harrison/Shelby Co.) – changed from Class A2 to Class A1 for the deep pooled conditions behind the silt dams at sites 228-2, 138-1, 138-2, and 138-3
17. Mud Creek (Polk Co.) – adopted as proposed in the NOIA
18. Platte River – adopted as proposed in the NOIA
19. Plum Creek (Delaware Co.) – changed from Class A2 to Class A1 from the mouth through Brayton Memorial Forest
20. Plum Creek (Delaware Co.) – the upstream Class A2 segment adopted as proposed in the NOIA
21. Thompson River – adopted as proposed in the NOIA
22. Twelvemile Creek (Union Co.) – adopted as proposed in the NOIA
23. Unnamed Creek (#2) (City of Cincinnati) – changed from Class A2 to Class A1 for the small pool at site 208-2
24. Unnamed Creek (#2) (City of Hedrick) – changed from Class A2 to Class A1 for the small pool at site 466-2a

25. Unnamed Creek (#2) (Oak Hills Subdivision) – changed from Class A2 to Class A1 for the small pool at site 188-2
26. Unnamed Creek (City of Huxley) – adopted as proposed in the NOIA
27. Unnamed Creek (IAAP) – adopted as proposed in the NOIA
28. Unnamed Creek (John Deere Engineering Center) – changed from Class A2 to Class A1 for the small pool at site 383-1
29. Unnamed Creek (Stacyville Coop Creamery) – adopted as proposed in the NOIA
30. Waterman Creek (O'Brien Co.) – changed from Class A2 to Class A1 for the entire assessed reach
31. West Branch Floyd River – changed from Class A2 to Class A3 near the towns of Maurice and Sioux Center and from CR C16 to the town of Struble
32. Willow Creek (Cerro Gordo Co.) – changed from Class A2 to Class A1 at site 34-2

The stream descriptions provided in this preamble are designed to provide clear notice to the public and may be subject to nonsubstantive corrections to conform to the format used in the stream classification document. The stream classification document adopted by reference herein also contains nonsubstantive revisions to previously adopted stream designations to correct typographical or descriptive errors. All designations conform to the previously approved use designations, as amended by the Commission.

Additional information on Iowa's Water Quality Standards and the Department's rules can be found on the Department's Web site at <http://www.iowadnr.com/water/standards/index.html>.

This amendment may have an impact upon small businesses.

This amendment is intended to implement Iowa Code chapter 455B, division III, part 1.

This amendment will become effective November 11, 2009.

The following amendment is adopted.

Amend subrule 61.3(5) as follows:

61.3(5) *Surface water classification.* The department hereby incorporates by reference "Surface Water Classification," effective ~~September 16, 2009~~ November 11, 2009. This document may be obtained on the department's Web site at <http://www.iowadnr.com/water/standards/index.html>.

[Filed 9/18/09, effective 11/11/09]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/7/09.